



1636  
JPW

Docket No. 0207/75723-ZA/JPW/GJG

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: David Baltimore et al.  
Serial No.: 10/037,341 Examiner: D. Guzo  
Filed : January 4, 2002 Group Art Unit: 1636  
For : NUCLEAR FACTORS ASSOCIATED WITH TRANSCRIPTIONAL  
REGULATION

1185 Avenue of the Americas  
New York, New York 10036  
January 17, 2007

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

**COMMUNICATION REQUESTING WITHDRAWAL OF JANUARY 4, 2007  
OFFICE ACTION AND EXAMINATION OF ELECTED CLAIMS 89 and 90**

Applicants respectfully request that the Office Action issued January 4, 2007 in connection with the above-identified application be withdrawn because it does not address applicants' elected claims 89 and 90. Applicants also request a new Office Action be issued in which claims 89 and 90 elected in applicants' September 28, 2006 Amendment are examined.

A restriction requirement was issued March 28, 2006 in connection with the subject application. On September 28, 2006 applicants filed an Amendment in response to the March 28, 2006 restriction requirement in which applicants added claims 89 and 90 and explicitly requested examination of claims 89 and 90. On page 20 of their September 28, 2006 Amendment applicants stated:

**Applicants' reply**

In response, applicants hereby elect, with traverse, the Group which includes new claims 89 and 90, which appears to be Group XXIV. Applicants also respectfully request examination of at least new claims 89 and 90 if no other claims are rejoined upon consideration of applicants' reasons below for traverse of the March 28, 2006 restriction requirement.

Applicants: David Baltimore et al.  
Serial No.: 10/037,341  
Filed : January 4, 2002  
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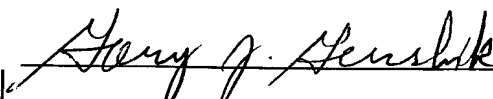
Clearly, applicants elected at least claims 89 and 90 for examination in the subject application. Because the January 4, 2007 Office Action did not address claims 89 and 90 it should be withdrawn and claims 89 and 90 should be examined.

During a January 11, 2007 telephone conference, Examiner David Guzo informed the undersigned that applicants' claims 89 and 90 elected on September 28, 2006 would be examined upon the filing of this Communication.

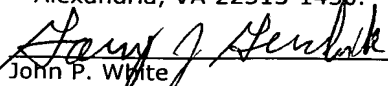
Accordingly, applicants understand that this Communication is a complete response to the January 4, 2007 Office Action and that no further action is needed. Applicants will await a new Office Action in which claims 89 and 90 are examined. If applicants' understanding is incorrect, applicants respectfully request that the Examiner notify applicants immediately.

No fee is deemed necessary in connection with the filing of this Request. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

  
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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
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Gary J. Gershik  
Reg. No. 39,992

  
Date